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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S MOTIONS
IN LIMINE**

Judge: Hon. Beth Labson Freeman

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Motions *in limine*.

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal (“Jenkins Declaration”). Cisco has narrowly tailored its request to seal only confidential information related to its customers, sales, accounts, competitive strategies, pricing, and other related planning and strategies as detailed in the Jenkins Declaration. Cisco also files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of some exhibits, as detailed below.

II. DOCUMENTS SOUGHT TO BE SEALED

The documents, and portions of documents, that Cisco seeks to seal through this motion are included in the chart below:

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Motion in Limine No. 1: Motion to Exclude Argument and Evidence in Support of Equitable Defenses	Highlighted Portions	Arista
Cisco's Motion in Limine No. 2: Motion to Exclude Evidence Related to "Industry Standard"	Highlighted Portions	Arista
Cisco's Motion in Limine No. 3: Motion to Exclude Untimely Disclosed Witnesses	Highlighted Portions	Arista
Cisco's Motion in Limine No. 4: Motion to Exclude Untimely Disclosed Non-Infringement Theory	Highlighted Portions	Arista
Cisco's Motion in Limine No. 5: Motion to Exclude Testimony of Terry Eger	Highlighted Portions	Arista
Exhibit 2 to the Declaration of Sara E. Jenkins in Support of Cisco's Motions in Limine ("Jenkins Declaration")	Entire	Arista
Exhibit 4 to the Jenkins Declaration	Entire	Arista
Exhibit 5 to the Jenkins Declaration	Entire	Arista
Exhibit 7 to the Jenkins Declaration	Entire	Arista

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Exhibit 8 to the Jenkins Declaration	Entire	Cisco Arista
Exhibit 9 to the Jenkins Declaration	Entire	Arista
Exhibit 10 to the Jenkins Declaration	Entire	Arista
Exhibit 11 to the Jenkins Declaration	Entire	Arista
Exhibit 14 to the Jenkins Declaration	Entire	Arista

September 16, 2016

Respectfully submitted,

/s/ John M. Neukom
John M. Neukom

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